

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DEANDRE LEWIS,

Plaintiff,

v.

IRS, et al.,

Defendants.

Case No. 1:21-cv-01653-JLT-EPG

ORDER VACATING FINDINGS AND
RECOMMENDATIONS, DIRECTING
CLERK OF COURT TO CLOSE CASE IN
LIGHT OF PLAINTIFF'S NOTICE OF
VOLUNTARY DISMISSAL

(ECF Nos. 23, 24)

On June 1, 2022, this Court issued findings and recommendations, recommending that this action be dismissed for lack of jurisdiction and without further leave to amend. (ECF No. 23). Plaintiff was given twenty-one days to file any objections.

On June 14, 2022, Plaintiff filed "objections" and a notice of voluntary dismissal. (ECF No. 24). Plaintiff's filing states that he "can see that [the] Court do[es] not have jurisdiction[] over this suit," and asks to dismiss this case without prejudice so that he can file a "claim in the proper court." (*Id.* at 1-2).

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), as Defendants have not filed an answer or motion for summary judgment, this action has been terminated as voluntarily dismissed without prejudice by Plaintiff. *See Wilson v. City of San Jose*, 111 F.3d 688, 692 (9th

1 Cir. 1997).

2 Accordingly, in light of the notice of voluntary dismissal, IT IS ORDERED as follows:

- 3 1. The Court's June 1, 2022, findings and recommendations are vacated (ECF No.
4 23); and,
5 2. The Clerk of Court is respectfully directed to close the case.

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7 IT IS SO ORDERED.

8 Dated: **June 15, 2022**

/s/ Eric P. Grogan
9 UNITED STATES MAGISTRATE JUDGE
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